

Message Text

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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 3846
INFO USMISSION USUN NEW YORK

UNCLAS SECTION 01 OF 04 GENEVA 13482

FOR DALLEY

E.O. 11652: N/A
TAGS: SHUM
SUBJECT: UN SUBCOMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES--RESPONSE BY THE U.S. GOVERN-
MENT TO COMMUNICATION FROM THE UNITED NATIONS SECRETARIAT,
TRANSMITTED UNDER NOTE NO. G/SO/215/1, DATED JULY 7, 1978.

REF: STATE 224247

FOLLOWING IS REQPNSE TO SUBJECT COMMUNICATION, DELIVERED
TO HRD DIRECTOR VAN BOVEN SEPTEMBER 5:

QUOTE:
THE PERMANENT MISSION OF THE UNITED STATES OF AMERICA
PRESENTS ITS COMPLIMENTS TO THE SECRETARIAT OF THE UNITED
NATIONS AND HAS THE HONOR TO REFER TO NOTE NO. G/SO/215/1,
FROM THE DIVISION OF HUMAN RIGHTS, DATED JULY 7, 1978, AND
TO TRANSMIT THE FOLLOWING INFORMATION.

THE APPROPRIATE U.S. FEDERAL GOVERNMENT AND TENNESSEE
STATE AGENCIES HAVE BEEN AWARE OF, AND CONCERNED WITH, THE
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ALLEGATIONS OF POLICE REPRESSION IN MEMPHIS FOR SOME TIME,
AND SINCE 1976, HAVE BEEN CONDUCTING ACTIVE INVESTIGATIONS
INTO THE SITUATION. THE U.S. DEPARTMENT OF JUSTICE HAS
CONDUCTED INVESTIGATIONS OF SEVERAL CASES OF ALLEGED
POLICE BRUTALITY IN MEMPHIS, AND, IN THE JERRY GUFFIN CASE
MENTIONED IN THE COMPLAINT, IS MONITORING THE LOCAL PROSE-
CUTION OF THE OFFICER, WHO HAS BEEN TRIED FOR SECOND

DEGREE MURDER.

THE TENNESSEE ADVISORY COMMITTEE TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS WILL RELEASE A REPORT ON SEPTEMBER 6, 1978, ENTITLED "CIVIL CRISIS - CIVIC CHALLENGE: POLICE-COMMUNITY RELATIONS IN MEMPHIS", WHICH INDICATES A THOROUGHNESS OF INVESTIGATION AND ANALYSIS WHICH CLEARLY REFUTES THE ALLEGATION THAT THERE HAS BEEN NO RESPONSE TO THE ALLEGATIONS OF POLICE BRUTALITY CONTAINED IN THE COMPLAINT. THE ADVISORY COMMISSION'S REPORT CONTAINS A SET OF RECOMMENDATIONS WHICH PROVE ITS CONTINUING INTEREST IN, AND JURISDICTION OVER, THE SITUATION IN MEMPHIS. THE NEXT STATE WILL BE REVIEW OF THE RECOMMENDATIONS BY THE U.S. CIVIL RIGHTS COMMISSION AND THE MOBILIZING OF LOCAL, STATE, AND FEDERAL JURISDICTIONS TO ADDRESS REMAINING PROBLEMS.

THE U.S. GOVERNMENT HAS BEEN RESPONSIVE TO THE PROBLEM IN MEMPHIS. THE ATTORNEY GENERAL OF THE UNITED STATES HAS THE AUTHORITY TO PROSECUTE POLICE MISCONDUCT THAT FALLS WITHIN THE STATUTORY PROHIBITION OF DENIAL OF CONSTITUTIONAL RIGHTS UNDER THE AUTHORITY OF THE LAW. THE RESPONSIBILITY IS CURRENTLY EXERCISED BY THE CIVIL RIGHTS DIVISION OF THE U.S. DEPARTMENT OF JUSTICE, EITHER INDEPENDENT OF, OR IN CONCERT WITH, THE LOCAL U.S. ATTORNEY. THE DEPARTMENT OF JUSTICE IS EXERCISING ITS JURISDICTION OVER CRIMINAL POLICE MIS-
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CONDUCT. ATTORNEY GENERAL GRIFFIN BELL HAS PUBLICLY STATED THAT POLICE MISCONDUCT THAT CONSTITUTES PROBABLE VIOLATIONS OF FEDERAL LAW WILL NOT BE IGNORED IN DEFERENCE TO LOCAL AUTHORITIES.

DREW S. DAYS, III, THE ASSISTANT ATTORNEY GENERAL IN CHARGE OF THE JUSTICE DEPARTMENT'S CIVIL RIGHTS DIVISION, VISITED MEMPHIS IN AUGUST OF 1977 AT THE REQUEST OF THE LOCAL U.S. ATTORNEY SUBSEQUENT TO THE SHOOTING DEATHS OF FOUR BLACK MEMPHIANS. WHILE VISITING MEMPHIS, DAYS MET WITH THE BLACK AND WHITE LEADERSHIP OF THE CITY TO DISCUSS THE PROBLEMS OF POLICE MISCONDUCT. THE CIVIL RIGHTS DIVISION OF THE U.S. DEPARTMENT OF JUSTICE HAS SUBSEQUENTLY COOPERATED WITH U.S. ATTORNEY WALTER JAMES CODY IN BRINGING ABOUT INDICTMENTS AGAINST TWO MEMPHIS POLICE OFFICERS FOR CRIMINAL MISCONDUCT. U.S. ATTORNEY CODY, A FORMER MEMBER OF THE MEMPHIS CITY COUNCIL WHO WAS APPOINTED TO THE POSITION OF U.S. ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE BY PRESIDENT CARTER IN APRIL 1977, HAS INDICATED HIS INTENTION TO ORDER INVESTIGATIONS AND TO PROSECUTE APPROPRIATE INSTANCES OF MISCONDUCT BY MEMPHIS POLICE OFFICER. EVIDENCE OF THIS INTENTION HAS BEEN ILLUSTRATED BY THE PRESENTMENTS OF THE GRAND JURY, AND SUBSEQUENT INDICTMENTS, OF

POLICE OFFICERS ACCUSED OF BEATING PERSONS INCIDENT TO AN ARREST.

U.S. ATTORNEY CODY HAS ASKED THE FEDERAL BUREAU OF INVESTIGATION (FBI) TO INVESTIGATE COMPLAINTS THAT HAVE BEEN RECEIVED AGAINST THE POLICE. HE HAS PLEDGED THAT IF THE FBI INVESTIGATIONS REVEAL VIOLATIONS OF THE LAW, THE CASES WILL BE PRESENTED TO THE GRAND JURY FOR POSSIBLE CRIMINAL PROSECUTION.

THE JUSTICE DEPARTMENT HAS PROVIDED A LETTER WHICH CON-

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FM USMISSION GENEVA

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FOR DALLEY

TAINS INFORMATION SHOWING THAT THE COMPLAINTS OF POLICE BRUTALITY IN MEMPHIS HAVE BEEN INVESTIGATED BY THE FBI, WITH RESULTING PROSECUTIONS OF TWO POLICE OFFICERS ACCUSED OF BRUTALITY AND PROSECUTION FOR SECOND DEGREE MURDER OF THE POLICE OFFICER INVOLVED IN THE GUFFIN CASE. EXCERPTS FROM THE LETTER, SIGNED IN THE NAME OF ASSISTANT ATTORNEY GENERAL DREW DAYS, FOLLOWS:NR

"AN EXAMINATION OF OUR RECORDS INDICATED THAT, IN 1977, THE FBI INITIATED INVESTIGATIONS OF SEVEN ALLEGED DEATHS AT THE HANDS OF LAW ENFORCEMENT OFFICERS IN MEMPHIS. FOUR OF THE CASES HAVE BEEN CLOSED, SINCE THE EVIDENCE DEVELOPED DID NOT WARRANT PROSECUTION UNDER THE FEDERAL CRIMINAL CIVIL RIGHTS LAWS, AND TWO ARE STILL UNDER REVIEW. IN THE 'GUFFIN' MURDER CASE WE ARE MONITORING THE LOCAL PROSECUTION OF THE OFFICER INVOLVED. HIS FIRST

TRIAL FOR SECOND DEGREE MURDER RECENTLY ENDED IN
A HUNG JURY."

"IT IS WORTH NOTING THAT WE HAVE RECENTLY TRIED
TWO MEMPHIS POLICE OFFICERS FOR CIVIL RIGHTS VIOLA-
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TIONS IN BRUTALITY CASES. ONE OFFICER WAS CONVICTED
AND ONE ACQUITTED. YOU CAN BE ASSURED THAT, WHEN-
EVER THE EVIDENCE WARRANTS PROSECUTION OF LAW
ENFORCEMENT OFFICERS FOR HUMAN RIGHTS VIOLATIONS,
WE DO NOT HESITATE TO TAKE APPROPRIATE ACTION."

UNDER THE PROVISIONS OF TITLE VII OF THE CIVIL RIGHTS ACT
OF 1964, AS AMENDED, AND OTHER RELEVANT AUTHORITY, THE
ATTORNEY GENERAL HAS THE AUTHORITY TO LITIGATE AGAINST
STATE AND LOCAL GOVERNMENTS THAT DISCRIMINATE IN EMPLOYMENT
ON THE BASIS OF RACE, COLOR, RELIGION, SEX, OR NATIONAL
ORIGIN. THIS AUTHORITY IS CURRENTLY EXERCISED BY THE
EMPLOYMENT SECTION OF THE DEPARTMENT'S CIVIL RIGHTS DIVI-
SION. LITIGATION THAT SERVES TO ERADICATE DISCRIMINATORY
MUNICIPAL EMPLOYMENT PRACTICES, IN ADDITION TO ENSURING
EQUAL EMPLOYMENT RIGHTS, HAS A PROFOUND EFFECT UPON
POLICECOMMUNITY RELATIONS AS WELL. A POLICE FORCE MADE UP
OF QUALIFIED INDIVIDUALS WHO REFLECT THE COMPOSITION OF THE
COMMUNITY THEY SERVE IS SENSITIVE TO DIVERSE PROBLEMS AND
ACCEPTED BY ALL PORTIONS OF THE POPULATION.

IN NOVEMBER 1974, SUBSEQUENT TO A SUIT FILED FOR THE
UNITED STATES BY THE DEPARTMENT OF JUSTICE, CIVIL RIGHTS
DIVISION EMPLOYMENT SECTION, ALLEGING A PATTERN AND PRAC-
TICE OF RACE AND SEX DISCRIMINATION IN HIRING AND PROMO-
TIONS BY THE CITY OF MEMPHIS, THE EMPLOYMENT SECTION AND
CITY OFFICIALS MUTUALLY AGREED TO A "CONSENT DECREE" SET-
TING FORTH PROCEDURES TO ACHIEVE ULTIMATELY, THROUGHOUT
CITY EMPLOYMENT, PROPORTIONS OF BLACKS AND WOMEN APPROXI-
MATING THEIR RESPECTIVE PROPORTIONS IN THE CIVILIAN LABOR
FORCE. THE EMPLOYMENT SECTION OF THE JUSTICE DEPARTMENT'S
CIVIL RIGHTS DIVISION WILL CONTINUE ITS EFFORTS TO SECURE
COOPERATION FROM THE CITY OF MEMPHIS TOWARD CORRECTING THE
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RACIAL IMBALANCE IN THE MEMPHIS POLICE DEPARTMENT.

THE REPORT OF THE TENNESSEE ADVISORY COMMITTEE TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS IS BASED ON (1)

RESEARCH BY THE STAFF OF THE SOUTHERN REGIONAL OFFICE OF THE U.S. COMMISSION ON CIVIL RIGHTS, (2) INFORMATION GATHERED AT AN OCTOBER 1976 OPEN MEETING OF THE TENNESSEE ADVISORY COMMITTEE, (3) TESTIMONY GIVEN UNDER OATH DURING THE MAY 1977 HEARING OF THE U.S. COMMISSION ON CIVIL RIGHTS, AND (4) DOCUMENTS SUPPLIED BY THE CITY UNDER COMMISSION SUBPOENA.

THE U.S. COMMISSION ON CIVIL RIGHTS IS EMPOWERED, UNDER ITS STATUTE, TO CONDUCT HEARINGS IN WHICH TESTIMONY MAY BE COMPELLED THROUGH SUBPOENA. AT THE COMMISSION'S PUBLIC HEARING IN MEMPHIS, TENNESSEE, ON MAY 9, 1977, SUBPOENAED WITNESSES TESTIFIED UNDER OATH. THEY WERE ENTITLED TO BE ACCOMPANIED AND ADVISED BY COUNSEL, WITH COUNSEL HAVING THE RIGHT TO EXAMINE THE WITNESS WITHIN THE SCOPE OF THE QUESTIONS ASKED BY THE COMMISSION AND TO RAISE OBJECTIONS TO QUESTIONS THOUGHT TO BE VIOLATIVE OF THE RIGHTS OF THE WITNESS. WITNESSES WERE PROTECTED BY THE PROVISION OF THE 18, U.S. CODE, SEC. 1505, WHICH MAKES IT A CRIME TO THREATEN, INTIMIDATE, OR INJURE WITNESSES ON ACCOUNT OF THEIR ATTENDANCE AT GOVERNMENT PROCEEDINGS. THE COMMISSION HEARD FROM THIRTY WITNESSES INCLUDING THE MAYOR, THE CHIEF OF THE MEMPHIS POLICE DEPARTMENT, THE CHAIRMAN OF THE LAW ENFORCEMENT COMMITTEE OF THE MEMPHIS CITY COUNCIL, THE CHAIRMAN OF THE MEMPHIS CIVIL SERVICE COMMISSION, THE PRESIDENT OF THE MEMPHIS POLICE ASSOCIATION, THE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE, THE DISTRICT ATTORNEY, THE PUBLIC DEFENDER, THE PRESIDENT OF THE MEMPHIS CHAMBER OF COMMERCE, THE VICE PRESIDENT OF SCRIPPS-HOWARD BROADCASTING COMPANY, THE EXECUTIVE DIREC-

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FOR DALLEY

F MEMPHIS OFFICES OF THE AMERICAN CIVIL LIBERTIES UNION AND THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, AND THE CHAIRMAN OF THE TENNESSEE ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS.

IN THE REPORT, THE COMMITTEE EVALUATES CITY AND POLICE POLICIES AND PRACTICES WHICH AFFECT POLICE-COMMUNITY RELATIONS; THE MEMPHIS COMMUNITY'S PERSPECTIVE OF POLICE TREATMENT OF CITIZENS, ESPECIALLY MINORITY CITIZENS; AND PAST EFFORTS TO IMPROVE POLICE-COMMUNITY RELATIONS IN MEMPHIS INCLUDING THE INVOLVEMENT OF THE FEDERAL GOVERNMENT. IT FOCUSES SPECIFICALLY ON THE REVIEW OF ALLEGATIONS OF POLICE MISCONDUCT.

REGARDING USE OF EXCESSIVE FORCE BY MEMPHIS POLICE, A MATTER RAISED EXTENSIVELY IN THE COMPLAINT TO THE HUMAN RIGHTS DIVISION, IT SHOULD BE KNOWN THERE IS A NATIONAL EFFORT TO ADDRESS THE PROBLEMS OF THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT OFFICIALS. THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE STATES, "IT IS ESSENTIAL THAT ALL DEPARTMENTS FORMULATE WRITTEN FIREARMS POLICIES WHICH CLEARLY LIMIT THEIR USE TO SITUATIONS OF STRONG AND COMPELLING NEED." UNCLASSIFIED

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THE GUIDELINES RECOMMENDED FOR FIREARMS CONTROL, WHICH WERE DEVELOPED BY THE PRESIDENTIAL COMMISSION AFTER REVIEW OF THE POLICIES OF SEVERAL POLICE DEPARTMENTS AND DISCUSSIONS WITH NUMEROUS POLICE ADMINISTRATORS, ARE:

"1. DEADLY FORCE SHOULD BE RESTRICTED TO THE APPREHENSION OF PERPETRATORS WHO, IN THE COURSE OF THEIR CRIME THREATENED THE USE OF DEADLY FORCE, OR IF THE OFFICER BELIEVES THERE IS A SUBSTANTIAL RISK THAT THE PERSON WHOSE ARREST IS SOUGHT WILL CAUSE DEATH OR SERIOUS BODILY HARM IF HIS APPREHENSION IS DELAYED. THE USE OF FIREARMS SHOULD BE FLATLY PROHIBITED IN THE APPREHENSION OF MISDEMEANANTS, SINCE THE VALUE OF HUMAN LIFE FAR OUTWEIGHS THE GRAVITY OF A MISDEMEANOR."

"2. DEADLY FORCE SHOULD NEVER BE USED ON MERE SUSPICION THAT A CRIME, NO MATTER HOW SERIOUS, WAS COMMITTED OR THAT THE PERSON BEING PURSUED COMMITTED THE CRIME. AN OFFICER SHOULD EITHER WITNESS THE CRIME OR SHOULD HAVE SUFFICIENT INFORMATION TO KNOW, AS A VIRTUAL CERTAINTY, THAT THE SUSPECT COMMITTED AN OFFENSE FOR WHICH THE USE OF DEADLY FORCE IS PERMISSIBLE."

"3. OFFICERS SHOULD NOT BE PERMITTED TO FIRE AT FELONY

SUSPECTS WHEN LESSER FORCE COULD BE USED; WHEN THE OFFICER BELIEVES THAT THE SUSPECT CAN BE APPREHENDED REASONABLY SOON THEREAFTER WITHOUT THE USE OF DEADLY FORCE; OR WHEN THERE IS ANY SUBSTANTIAL DANGER TO INNOCENT BYSTANDERS. ALTHOUGH THE REQUIREMENT OF USING LESSER FORCE, WHEN POSSIBLE, IS A LEGAL RULE, THE OTHER LIMITATIONS ARE BASED ON SOUND PUBLIC POLICY. TO RISK THE LIFE OF INNOCENT PERSONS FOR THE PURPOSE OF APPREHENDING A FELON CANNOT BE JUSTIFIED."

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"4. OFFICERS SHOULD NEVER USE WARNING SHOTS FOR ANY PURPOSE. WARNING SHOTS ENDANGER THE LIVES OF BYSTANDERS, AND IN ADDITION, MAY PROMPT A SUSPECT TO RETURN THE FIRE. FURTHER, OFFICERS SHOULD NEVER FIRE FROM A MOVING VEHICLE."

"5. OFFICERS SHOULD BE ALLOWED TO USE ANY NECESSARY FORCE, INCLUDING DEADLY FORCE, TO PROTECT THEMSELVES OR OTHER PERSONS FROM DEATH OR SERIOUS INJURY. IN SUCH CASES, IT IS IMMATERIAL WHETHER THE ATTACKER HAS COMMITTED A SERIOUS FELONY, A MISDEMEANOR, OR ANY CRIME AT ALL."

"6. IN ORDER TO ENFORCE FIREARMS USE POLICIES, DEPARTMENT REGULATIONS SHOULD REQUIRE A DETAILED WRITTEN REPORT ON ALL DISCHARGES OF FIREARMS. ALL CASES SHOULD BE THOROUGHLY INVESTIGATED TO DETERMINE WHETHER THE USE OF FIREARMS WAS JUSTIFIED UNDER THE CIRCUMSTANCES."

CIVIL RIGHTS GROUPS IN MEMPHIS ARE CONTINUING THEIR EFFORTS TO SECURE GUIDELINES REGARDING THE USE OF DEADLY FORCE BY THE MEMPHIS POLICE DEPARTMENT AND THE FEDERAL GOVERNMENT IN ASSISTING IN THIS PROCESS. MEMPHIS CIVIL RIGHTS GROUPS HAVE REASON TO BE ENCOURAGED BECAUSE A RECENT REPORT BY THE POLICE FOUNDATION ("POLICE USE OF DEADLY FORCE" 1977), A PRIVATE RESEARCH ORGANIZATION WHICH MONITORS POLICE CONDUCT IN THE U.S., NOTED "A CLEAR NATIONAL TREND AMONG POLICE AGENCIES TOWARD ESTABLISHING RESTRAINT IN THE USE OF FIREARMS." IN ADDITION, AS NOTED ABOVE, THE FEDERAL BUREAU OF INVESTIGATION (FBI) AND THE DEPARTMENT OF JUSTICE HAVE BECOME MORE ACTIVE IN INVESTIGATING AND BRINGING PROSECUTIONS IN ALLEGED CASES OF POLICE BRUTALITY AND MISCONDUCT. THE COMPLAINT TO THE HUMAN RIGHTS DIVISION ALLEGES A NATIONAL PROBLEM BUT CONTAINS NO REFERENCE TO THE GROWING EVIDENCE

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FOR DALLEY

OF NATIONAL CONCERN AND ACTION TAKEN.

IT ALSO SHOULD BE NOTED THAT POLICE MISCONDUCT
IS AGAINST THE LAW IN EVERY STATE IN THE UNITED STATES,
INCLUDING TENNESSEE. THE PRINCIPAL FEDERAL CRIMINAL
STATUTE WITH REGARD TO POLICE MISCONDUCT IS 18 USC SECTION
242. THIS LAW PROHIBITS THE DEPRIVATION "...UNDER COLOR
OF ANY LAW...OF ANY RIGHTS, PRIVILEGES AND IMMUNITIES
SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE
UNITED STATES...ON ACCOUNT OF SUCH INHABITANT BEING AN
ALIEN OR BY REASON OF HIS COLOR OR RACE."
THIS LAW PROTECTING THE CIVIL RIGHTS OF MINORITIES HAS
BEEN USED AS THE BASIS FOR SUCCESSFUL FEDERAL PROSECUTION
OF POLICE MISCONDUCT AND CONTINUES AS AN EFFECTIVE
TOOL FOR FEDERAL INTERVENTION AGAINST POLICE MIS-
CONDUCT IN STATE AND LOCAL JURISDICTIONS.

IT SHOULD BE CLEAR FROM THE ABOVE INFORMATION THAT THE
ALLEGATIONS IN THE COMPLAINT TO THE HUMAN RIGHTS
DIVISION HAVE BEEN AND ARE THE SUBJECT OF PROLONGED AND
INTENSE INVESTIGATION BY LOCAL, STATE AND FEDERAL AGENCIES.
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THE HEARING HELD BY THE U.S. COMMISSION ON CIVIL RIGHTS IN
MEMPHIS PROVIDED AN OPPORTUNITY FOR ALL CITIZENS
TO TESTIFY REGARDING THE CONDITION OF POLICE-
COMMUNITY RELATIONS IN MEMPHIS. THE ASSISTANT ATTORNEY

GENERAL FOR CIVIL RIGHTS IN THE U.S. DEPARTMENT OF JUSTICE VISITED MEMPHIS IN AUGUST 1977 AND MET WITH CITIZENS GROUPS ABOUT THE PROBLEMS OF POLICE BRUTALITY IN THE CIKH AND SHELBY COUNTY. THE DEPARTMENT OF JUSTICE, WORKING CLOSELY WITH THE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE, HAS INITIATED INVESTIGATIONS BY THE FEDERAL BUREAU OF INVESTIGATION OF ALLEGATIONS OF VIOLATIONS OF THE FEDERAL CIVIL RIGHTS LAWS STEMMING FROM POLICE MISCONDUCT AND AS A RESULT OF THESE INVESTIGATIONS THERE HAVE BEEN PROSECUTIONS OF POLICE OFFICERS AGAINST WHOM SUCH ALLEGATIONS HAVE BEEN MADE.

THE PERMANENT MISSION OF THE UNITED STATES OF AMERICA REQUESTS THAT THE CONTENTS OF THIS NOTE BE MADE AVAILABLE IN FULL TO THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES AND TO THE COMMISSION ON HUMAN RIGHTS. IN THE LIGHT OF THE FOREGOING MATERIAL, THE UNITED STATES GOVERNMENT CONTENTS THAT THE FACTS OF THIS CASE ARE SUCH THAT THERE IS NO BASIS FOR PROCEEDING UNDER ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII).

IN SUMMARY, IN THE CASE OF THE COMPLAINT REFERRED TO IN NOTE NO. G/SO/215/1, DATED JULY 7, 1978, IT IS CLEAR THAT THE U.S. COMMISSION ON CIVIL RIGHTS, THE U.S. DEPARTMENT OF JUSTICE, AND THE LOCAL AUTHORITIES REMAIN INVOLVED IN EFFORTS TO SOLVE THE PROBLEM OF POLICE-COMMUNITY RELATIONS IN MEMPHIS HAD HAVE ACTIVE JURISDICTION OVER THE MATTERS ALLEGED IN THE COMPLAINT FILED WITH THE UNCLASSIFIED

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HUMAN RIGHTS COMMISSION. THE UNITED STATES GOVERNMENT, THEREFORE, CONTENTS THAT REMEDIES REMAIN FOR THE PROBLEMS CONTAINED IN THE SUBJECT COMPLAINT, THAT THE INVESTIGATIONS WHICH HAVE BEEN UNDERTAKEN OF THE COMPLAINTS OF POLICE BRUTALITY ARE IN ACCORDANCE WITH THE PRINCIPLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND OTHER HUMAN RIGHTS DOCUMENTS.

THE PERMANENT MISSION OF THE UNITED STATES OF AMERICA AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE SECRETARIAT OF THE UNITED NATIONS THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

PERMANENT MISSION OF THE UNITED STATES OF AMERICA,

GENEVA, SEPTEMBER 5, 1978.

(NO REPLY TO THIS NOTE IS REQUIRED.) END QUOTE
VANDEN HEUVEL

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